



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: North American Construction Corp.--Request for Reconsideration

File: B-236672.2

Date: September 21, 1989

DIGEST

Request for reconsideration of dismissal of protest challenging responsiveness of low bid is denied where alleged defect in the certificate of sufficiency submitted with bid bond does not affect responsiveness of bid since certificate serves only to assist the contracting officer in determining the surety's responsibility.

DECISION

North American Construction Corp. requests reconsideration of our August 24, 1989, dismissal of its protest under invitation for bids (IFB) No. F07603-89-B8205, issued by the Air Force for asbestos removal. North American challenged the responsiveness of the low bid, contending that it was nonresponsive because there was insufficient verification of the assets claimed by the low bidder's individual sureties. We dismissed the protest because our Office does not review affirmative determinations of responsibility absent a showing that the contracting officer may have acted in bad faith or that definitive responsibility criteria contained in the solicitation were not met.

In its request for reconsideration, North American reiterates the assertion it made in its initial protest. According to North American, the certificates of sufficiency for the two individual sureties accompanying the low bidder's bid bond are invalid because there was inadequate verification of the sureties' assets. In addition, North American now argues that the certificates are defective because the certifying officer lacked personal knowledge of the sureties' assets. North American contends that the sufficiency of the individual sureties is an issue of responsiveness which must be determined at bid opening and thus that, based on the alleged defects in the certificates of sufficiency, the low bid should be rejected as nonresponsive. We deny the request for reconsideration.

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The purpose of a bid guarantee is to secure the liability of a surety to the government in the event that the bidder fails to fulfill its obligation to execute a written contract. The sufficiency, and thus the responsiveness, of a bid guarantee depends on whether a surety is clearly bound by its terms. Noslot Pest Control, Inc., B-234290, Apr. 20, 1989, 68 Comp. Gen. _____, 89-1 CPD ¶ 396. The documents accompanying the bid bond, specifically the Affidavit of Individual Surety and Certificate of Sufficiency, are separate from the bid bond itself and serve only to assist the contracting officer in determining the responsibility of an individual surety. Total Maintenance, Inc.--Request for Reconsideration, B-218604.2, June 6, 1985, 85-1 CPD ¶ 649. Therefore, the presence of defects in these documents does not affect the responsiveness of the bid itself. See Hispanic Maintenance Servs., B-218199, Apr. 22, 1985, 85-1 CPD ¶ 461.

Since the protester has not shown that our dismissal of its protest was erroneous, the request for reconsideration is denied.



James F. Hinchman
General Counsel